

ARKANSAS SUPREME COURT

No. CR 90-274

CHARLES L. JACKSON
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered May 7, 2009

PRO SE MOTION FOR
PHOTOCOPYING AT PUBLIC
EXPENSE [CIRCUIT COURT OF
PULASKI COUNTY, CR 89-1723]

MOTION DENIED.

PER CURIAM

In 1990, petitioner Charles L. Jackson was found guilty by a jury of capital murder, burglary and theft of property. He was sentenced to an aggregate term of life imprisonment without parole. We affirmed. *Jackson v. State*, CR 90-274 (Ark. Feb. 8, 1993) (per curiam).

Petitioner, who contends that he is indigent, now seeks at public expense a photocopy of counsel's appellate brief in the direct appeal pursuant to the Arkansas Freedom of Information Act.¹ Ark. Code Ann. §§ 25-19-101–109 (Repl. 2002 & Supp. 2007). There are no grounds for the request and he does not contend that he is currently involved in any specific proceeding that requires a copy of the appellate brief.

The Freedom of Information Act does not require an appellate court to provide photocopying at public expense. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam). Further, indigency alone does not entitle a petitioner to free photocopying. *Nooner v. State*, 352 Ark. 481,

¹For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment.

101 S.W.3d 834 (2003) (per curiam). However, a petitioner who demonstrates some compelling need for certain documentary evidence to support an allegation contained in a timely petition for postconviction relief may request a copy of material on file with this court. *Bradshaw v. State*, 372 Ark. 305, 275 S.W.3d 173 (2008) (per curiam). As petitioner here has cited no specific reason for requiring the requested material and has failed to demonstrate that there is a postconviction remedy available to him, the motion is denied.

It should be noted that when an appeal has been lodged in this court, the appeal transcript and other material filed on appeal remain permanently on file with the clerk. Persons may review a transcript or other material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript or other material on file may write this court, remit the photocopying fee and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State, supra*.

Motion denied.